

SECRET

ADM-M70-0103
4 September 1970

MEMORANDUM FOR: Director of Communications

SUBJECT : Protective Lens for Operating Engineers

REFERENCES : A. [REDACTED]
B. [REDACTED]

1. Personnel utilizing and working around power tools and power equipment are required to wear protective goggles. Referent documents cover this safety practice. This requirement is very pertinent to our operating engineers who are constantly exposed to power tools, large rotating equipment, and frequently work with or around unlimited buss power supplies. Many such personnel, however, wear corrective glasses and find that it is almost impossible to wear protective goggles over them. Hence, they frequently do not wear the goggles.

2. A practical solution to this problem is to outfit the employee with extra strength prescription lens at government expense. Although there is some concern about providing some employees a benefit not extended to others, I think that this can be allayed with the understanding that we provide the employee with the price of the lens only. He will be personally responsible for the expense of examinations and the frames.

3. Authorization for the lens should be restricted to those individuals who are regularly (day-in and day-out) exposed to eye hazards. At this time there are some six or seven who may qualify.

4. I would propose to contact the employees who qualify and authorize them reimbursement for the lens, if you have no objection.

[REDACTED]
Acting Chief,
Administration Staff, OC

Atts (2)

#1: GSA Order, dtd 8 June 59

#2: Agency Opinion, dtd 21 June 65

SECRET

GROUP 1
Excluded from automatic
downgrading and
declassification

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SECRET

SUBJECT: Protective Lens for Operating Engineers

Coordinating:

/S/
OC-A Budget & Fiscal Branch

/S/
Staff Communications Division

/ [REDACTED]
Office of General Counsel
25 JAN 1971

* See note below.

Distribution:

- Orig & 1 - Addressee
- 1 - OGC
- 1 - OC-SCD

*There is legal authority to support the intended reimbursement for the cost of prescription ground safety glasses and frames at Government expense. 42 Comp. Gen. 626. However, we believe the cost of obtaining both the initial and subsequent prescriptions should be borne by the employee as this is an item which is personal to the employee who wears corrective eyeglasses. His current prescription should be on file with his doctor.

Of course, glasses furnished an employee by the Government remain the property of the Government and subject to its control.

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GENERAL SERVICES ADMINISTRATION

REGION 3


Washington 25, D. C.

3COM 5805.1
June 8, 1959

GSA ORDER

SUBJECT: Personal Protective Clothing and Equipment

1. PURPOSE. This order provides the basis and limitations established for obtaining protective clothing and equipment for the use of GSA employees. It is not the purpose of this order to prevent the purchase of proper needed protective equipment complying with the criteria outlined herein.
2. CANCELLATION. Regional Buildings Management Memorandum Number 126 is canceled.
3. BACKGROUND. General Counsel's Opinion No. 81, concerning the purchase of protective clothing is included as an Appendix to this order. This Opinion in general prohibits the provision of protective clothing unless the purchase is essential to safe and successful Government operations. The prevention of accidental injury is considered essential to safe Government operation.
4. PROCUREMENT PROCEDURE. It is the responsibility of supervisors and other officials submitting requisitions for purchases or for the procurement from stocks of personal protective equipment to assure that the requirements outlined in the General Counsel's Opinion are complied with. In cases where protection against an injury hazard is involved, such requisitions shall be routed through the Protection Branch for their concurrence as to the actual existence of the hazard and to determine that the proper protective clothing or equipment is being obtained.
5. GUARD UNIFORM. Boots, overshoes, cap covers, raincoats and overcoats will be continued to be furnished for Special Police and Guards on outside duty since these are a part of the prescribed uniform. (Reference Section 612.08 of Vol. 6-1 Real Property Management, Manual GS-6)


KARL E. WALLACE
Regional Commissioner

June 8, 1959

Approved For Release 2002/01/10 : CIA-RDP72-00340R000100450002-6

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OPINION OF THE GENERAL COUNSEL

NO. 81 DATE: July 20, 1954

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SUBJECT: Purchase of Protective Clothing

Advice has been requested from this office concerning various questions which are raised from time to time in regard to authority for the purchase of protective clothing and equipment for use of employees in connection with their duties.

Section 13 of Public Law 600, 79th Congress, approved August 2, 1946, reads as follows:

"Appropriations available for the procurement of supplies and material or equipment shall be available for the purchase and maintenance of special clothing and equipment for the protection of personnel in the performance of their assigned tasks."

The aforesaid provision is interpreted by the Comptroller General in 32 Comp. Gen. 229.

"The above-quoted provision of the 1946 Act -- by its specific terms -- expresses a clear and definite determination to authorize the purchase of special clothing and protective equipment for personnel in the performance of official duty as a matter of general permanent law rather than in the form of annual legislation. The legislative history of the act clearly indicates that it was intended to provide basic statutory authority for the purchase of such items as rubber gloves, rubber boots, and asbestos clothing where employees are engaged in hazardous occupations.

"This office has established certain general policy guide lines or rules with respect to furnishing special clothing and equipment to Government employees, which are set forth in the decision, 3 Comp. Gen. 433. Questions concerning the propriety of furnishing special clothing and equipment to civilian employees have been considered by his office a number of times and it has been held that where such equipment is essential to the safe and successful accomplishment of the work involved and primarily for the benefit of the Government, payment may be made

from appropriations otherwise available therefor; but that on the other hand, if the equipment be solely for the protection of the employee without resulting benefits to the Government, and such as the employee reasonably might be expected to furnish as a part of the official equipment of his position, appropriated funds would not be available for the purchase thereof.****"

Accordingly, we are of the opinion that the articles enumerated by you, viz., goggles, face shields, respirators, gas masks, rubber gloves and aprons, special types of work gloves for handling dangerous or heavy material, rubber boots and rubber coats for use of employees when assigned to work in flooded areas are items which may be purchased under the authority given in Section 13 of Public Law 600.

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With respect to the two specialized items in question, viz., goggles with prescription type lenses for employees having eye deficiencies who are required to wear protective goggles, and safety shoes for employees engaged in handling heavy material, it would appear that the same may be purchased under the authority contained in Section 13 of Public Law 600 if it is administratively determined that the work is hazardous and the items are worn and used primarily for the benefit of the Government and their purchase is essential to safe and successful Government operations. See 21 Comp. Gen. 731 and decisions cited therein.

However, the question of purchasing rubber coats and boots for employees engaged in outside work in snow removal or rain would appear to fall within that category of equipment solely for the protection of the employee and such as the employee reasonably might be expected to furnish as a part of the official equipment of his position. Therefore we are of the opinion that appropriated funds would not be available for the purchase thereof. In making this determination, we considered the general rule set forth by the Comptroller General in 3 Comp. Gen. 433 which is as follows:

"In the absence of specific statutory authority for the purchase of personal equipment, particularly wearing apparel or parts thereof, the first question for consideration in connection with a proposed purchase of such equipment is whether the object for which the appropriation involved was made can be accomplished as expeditiously and satisfactorily from the Government's standpoint, without such equipment. If it be determined that use of the equipment is necessary in the accomplishment of the purposes of the appropriation, the next question to be considered is whether the equipment is such as the employee reasonably could be required to furnish as part of the personal equipment necessary to enable

him to perform the regular duties of the position to which he was appointed or for which his services were engaged. Unless the answer to both of these questions is in the negative, public funds can not be used for the purchase. In determining the first of these questions there is for consideration whether the Government or the employee received the principal benefit resulting from use of the equipment and whether an employee reasonably could be required to perform the service without the equipment. In connection with the second question the points ordinarily involved are whether the equipment is to be used by the employee in connection with his regular duties or only in emergencies or at infrequent intervals and whether such equipment is assigned to an employee for individual use or is intended for and actually to be used by different employees.

(Signed)

Attorney

CONCURRED IN:

(Signed) J. E. Moody

Assistant General Counsel

(Signed) Maxwell B. Elliott

General Counsel

Opinion rendered by Agency OGC 21 June 1965

"OGC has no legal objection to the adoption of this suggestion. It may be done without paying for the ~~km~~ shoes, or the Agency may legally pay for these shoes, since they are "necessary for the safe and successful operation" of the Agency."

The opinion of the OGC in this particular case was requested in regard to the purchase and use of safety shoes. Referencing Section 13 of Public Law 600, 79th Congress, same would apply to any special clothing and equipment for the protection of personnel in the performance of their assigned tasks.

~~CONFIDENTIAL~~

edc 70-1195

15 July 1970

MEMORANDUM FOR: Chief, Support Services Division/NPIC

SUBJECT: Request for Opinions Re Purchase of
Special Equipment, Particularly
Contact Lenses

1. Per your request I have attached relevant opinions on the purchase of certain special equipment for Government employees. Attached are: Opinions of the Comptroller General, 32 Comp. Gen. 229, 7 November 1952; B-143437, 21 July 1960; 42 Comp. Gen. 626, 8 May 1963; 25 Comp. Gen. 215, 29 October 1965; and an opinion of the General Counsel, 10 OGC 119, 19 April 1957.

2. It is understood you intend to ask this office for an opinion on the legality of purchasing contact lenses for certain NPIC employees and believe that circumstances have changed since the partially negative Comptroller General Opinion of 21 July 1960 (B-143437) and that a review at this time is warranted.

[REDACTED]
Office of General Counsel

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Attachments

OGC:GMB:sab

Distribution:

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nite evidence of the transfer, together with an agreement by the transferee undertaking to perform the service in accordance with the original contract, and a statement or other showing by the original contractor waiving all rights thereunder against the United States. Cf. 9 Comp. Gen 72. Also, there appears no objection to making contribution of money thereafter to the assignee or transferee in accordance with the terms of the contract and the assignment.

You are advised accordingly.

[B-112031]

Personal Furnishings—Special Clothing and Equipment—Uniforms

The special clothing and equipment purchase authorization provision in the Administrative Expenses Act of 1946, as amended, was intended to provide basic statutory authority for purchase of items used by employees engaged in hazardous occupations which are essential to the safe and successful accomplishment of the work involved and primarily for the benefit of the Government and may not be regarded as authority for the purchase and maintenance of uniforms not authorized specifically in appropriations or other acts.

Comptroller General Warren to the Secretary of Commerce, November 7, 1952:

Reference is made to letter dated September 22, 1952, from the Acting Secretary of Commerce, requesting my decision as to whether section 13 of the act of August 2, 1946, 60 Stat. 809, as amended, 5 U. S. C. 118g, may be employed as authority for the purchase and maintenance of uniforms for Civil Aeronautics Administration personnel to police the Washington National Airport and the two International Airports at Anchorage and Fairbanks, Alaska, if the specific language therefor presently included in the appropriations for maintenance and operation of the said airports contained in the Department of Commerce Appropriation Act, 1953, approved July 10, 1952, 66 Stat. 562, 563, be omitted therefrom.

Section 13 of the act of August 2, 1946, is as follows:

Appropriations available for the procurement of supplies and material or equipment shall be available for the purchase and maintenance of special clothing and equipment for the protection of personnel in the performance of their assigned tasks.

It is stated in the letter that uniforms for Civil Aeronautics Administration personnel employed to police the three airports are purchased and maintained from the appropriations, "Maintenance and Operation, Washington National Airport," and, "Maintenance and Operation of Public Airports, Territory of Alaska," each of

which expressly provides for "purchase, cleaning, and repair of uniforms;" that such uniforms are worn only during duty hours and are furnished for the sole purpose of achieving more efficient Government operation; and that the factors which formed the basis for Office decision of March 20, 1950, B-93195, also are present in respect of the purchase and maintenance of uniforms incident to policing the referred-to airports.

The doubt as to the necessity for including specific authority in the appropriations for purchase and maintenance of uniforms is said to arise by reason of the decision of March 20, 1950, B-93195, to Captain Dan E. Robertson, Finance Officer, Department of the Army. That decision held that payment for repairs and dry cleaning of overcoats issued to civilian guards at an arsenal from funds available for the procurement of supplies and material or equipment was authorized, and that the overcoats properly could be considered special clothing used for the primary benefit of the Government within the purview of section 13 of the act of August 2, 1946. That conclusion was based upon an administrative showing that the overcoats were purchased under war time emergency conditions and in pursuance of a decision of this Office, and was not intended to, and does not, establish a general policy or affect in any way the previous holdings of this Office with respect to the use of Government funds for the purchase of uniforms.

Uniforms for civilian employees generally are considered personal furnishings which an employee must procure at his own expense to qualify him for the position to which appointed. The rule is summarized in 2 Comp. Gen. 652, to the effect that personal furnishings are not authorized to be purchased under appropriations in the absence of specific provision therefor contained in such appropriations or other acts, if such furnishings are for the personal convenience, comfort or protection of the employees, or are such as reasonably to be required as a part of the usual and necessary equipment for the work upon which they are engaged or for which they are employed. See 2 Comp. Gen. 258 and decisions cited therein; B-63078, January 30, 1947. *Cf.* B-30882, December 22, 1942; B-36201, August 13, 1943.

The above-quoted provision of the 1946 act—by its specific terms—expresses a clear and definite determination to authorize the purchase of special clothing and protective equipment for personnel in the performance of official duty as a matter of general permanent law rather than in the form of annual legislation. The legislative history thereof clearly indicates that it was intended to provide basic statutory authority for the purchase of such items as rubber gloves, rubber boots, and asbestos clothing, where employees are engaged in hazardous occupations. In that connection, and in support of the view that such

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provision contains nothing therein which reasonably may be construed as relaxing the established requirements incident to furnishing uniforms at Government expense, it is particularly for noting that legislation to provide uniforms for civilian employees of the Government was introduced in the 81st Congress (S. 1478 and S. 2928) and in the 82d Congress (S. 191, S. 3394, and H. R. 8464), but that such proposed legislation failed of enactment into law.

It thus seems clear that whether the statutory provision in question may be employed as authority to purchase and maintain uniforms at Government expense is, of course, a matter for determination upon a showing of the facts and circumstances as to the use and need therefor in each particular case, and in the instant situation the employment of such provision as authority to furnish uniforms for Civil Aeronautics Administration personnel engaged to police the three airports is not entirely free from doubt.

Accordingly, you are advised that this Office is of the view that the specific appropriation language providing for "purchase, cleaning, and repair of uniforms," presently carried in the appropriations for maintenance and operation of the airports, obviates any doubt in the matter, and, therefore, if it be desired to accomplish the purpose expressed by the quoted language, it would appear preferable to retain such language rather than leave the matter to construction under the provisions of section 13 of the act of August 2, 1946, which, as indicated above, would be doubtful.

It is also stated that in the several agencies of the Department of Commerce there are many employees performing a myriad of tasks where extraordinary clothing might be required, and that a general rule or guide as to the extent or general limits of section 13, for use as a "rough rule of thumb" to determine the eligibility of at least the clearly meritorious cases, would be very helpful. In that regard, and as illustrative of the problem in determining the eligibility of such clothing, there is cited a fire-resistant type of coverall and the use thereof distinguished between employees required to wear such clothing in conducting aircraft engine fire tests at the Civil Aeronautics Administration Technical Development and Evaluation Center, and an aircraft mechanic who performs the usual mechanical duties required in the maintenance of aircraft and aircraft engines.

This Office has established certain general policy guide lines or rules with respect to furnishing special clothing and equipment to Government employees, which are set forth in the decision, 3 Comp. Gen. 433. Questions concerning the propriety of furnishing special clothing and equipment to civilian employees have been considered by this Office a number of times and it has been held that where such equipment is essential to the safe and successful accomplishment of

the work involved and primarily for the benefit of the Government, payment may be made from appropriations otherwise available therefor; but that on the other hand, if the equipment be solely for the protection of the employee without resulting benefits to the Government, and such as the employee reasonably might be expected to furnish as a part of the official equipment of his position, appropriated funds would not be available for the purchase thereof. See 2 Comp. Gen. 652; 3 *id.* 848; 21 *id.* 731; 28 *id.* 236; B-48169, March 14, 1945; B-56561, April 1, 1946. Cf. 3 Comp. Gen. 433; 4 *id.* 123; B-57633, June 11, 1946.

Thus, while the provisions of section 13 of the act of August 2, 1946, are not readily susceptible of a specific enumeration of the various types of special clothing and protective equipment properly within the scope thereof, it is believed the cited rules and decisions will be of assistance to you in resolving any problems which might arise with respect to such matters.

[B-61937]

Quarters and Subsistence Allowances—Dependency Certificates—Filing Requirements

Officer personnel of the uniformed services are required to file dependency certificates at least every six months in substantiation of payments made to them for basic allowances for quarters and subsistence on account of dependents, however the individual disbursing officer, who is personally liable for any improper payments, may require more frequent filing of such certificates.

Assistant Comptroller General Yates to the Secretary of Defense, November 13, 1952:

Reference is made to letter dated June 10, 1952, signed by Mr. H. W. Bordner, Deputy Comptroller for Accounting Policy, Department of Defense, regarding the propriety of the military services discontinuing the practice of requiring officer personnel to file dependency certificates every six months in substantiation of payments made to them of the basic allowance for quarters on account of dependents.

As pointed out in a letter addressed to you under date of August 15, 1950, B-94865, such certificates cover the officer's dependency situation for the preceding six months and they generally constitute the only substantiating evidence the disbursing officer receives on which to claim credit in his accounts for the dependency payments made by him during such prior period. For the most part, the pay accounts of officers of the uniformed services are closed out on June 30 and December 31 of each year and, were it not for the semiannual dependency certificates filed with such closed pay accounts this Office would

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON 25

14-037

July 21, 1960

Honorable Allen W. Dulles
Director, Central Intelligence Agency

Dear Mr. Dulles:

A letter dated July 2, 1960, from the Acting Director, Central Intelligence Agency, concerns the use of appropriated funds to furnish contact lenses for certain employees of your Agency.

The Acting Director states that the Central Intelligence Agency employs a number of highly trained specialists who use equipment in their work which requires either normal or corrected-to-normal vision. He further states that many of the specialists require eyeglasses which they have in the past been able to use while operating this special equipment, but that your Agency is replacing this equipment with new machinery of improved design which cannot be used effectively while the operator is wearing conventional eyeglasses.

The Acting Director advises that the Central Intelligence Agency has expended a great deal of time and money in the training of these specialists and does not wish to lose their services or impede their efficiency. He reports that it has been determined by a comprehensive study of the program that those specialists requiring vision correctives could wear contact lenses successfully in operating the new equipment. The Acting Director's letter continues, in part:

"The Agency's continuing replacement of its old equipment with the new, more efficient apparatus, capable of producing a finer quality of work, is creating new conditions which are making these seasoned employees, who were fully qualified when assigned originally to their specialized duties, increasingly unable to fulfill their assignments. To require these employees to purchase contact lenses would place an undue financial burden on them, since contact lenses are very costly in comparison with ordinary eyeglasses. Yet without such lenses these employees will soon become so ineffective as not to be able to continue in their specializations.

"In short, since the operation of this new special equipment has become a necessary part of the duties of these experts which cannot be fulfilled while wearing ordinary eyeglasses, the Agency's mission in this special area can no longer be accomplished expeditiously and satisfactorily without fitting these employees with contact

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In this case, it is felt that the Agency could justifiably purchase the lenses as an expense necessary to the efficient fulfillment of its mission.

The Acting Director is of the view that the special circumstances making contact lenses necessary in this case are unusual and do not describe a situation in which the employee can be expected to provide his own equipment as usual and necessary furnishings to enable him to perform the regular duties of the position for which he was engaged. It cites in connection with the matter 3 Comp. Gen. 433 as reaffirmed in principle by 32 Comp. Gen. 229.

In view of the above facts our decision is requested first, as to whether your Agency can purchase from appropriated funds contact lenses for experts who are assigned to operate this special equipment, and second, whether any new employees trained for the specialized work may also be supplied with contact lenses at Government expense.

As indicated in the Acting Director's letter we reaffirmed, in principle, in 32 Comp. Gen. 229 the following language appearing in 3 Comp. Gen. 433:

"In the absence of specific statutory authority for the purchase of personal equipment, particularly wearing apparel or parts thereof, the first question for consideration in connection with a proposed purchase of such equipment is whether the object for which the appropriation involved was made can be accomplished as expeditiously and satisfactorily from the Government's standpoint, without such equipment. If it be determined that use of the equipment is necessary in the accomplishment of the purposes of the appropriation, the next question to be considered is whether the equipment is such as the employee reasonably could be required to furnish as part of the personal equipment necessary to enable him to perform the regular duties of the position to which he was appointed or for which his services were engaged. Unless the answer to both of these questions is in the negative, public funds cannot be used for the purchase. In determining the first of these questions there is for consideration whether the Government or the employee receives the principal benefit resulting from use of the equipment and whether an employee reasonably could be required to perform the service without the equipment. In connection with the second question the points ordinarily involved are whether the equipment is to be used by the employee in connection with his regular duties or only in emergencies or at infrequent intervals, and whether

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such equipment is assigned to an employee for individual use or is intended for and actually to be used by different employees."

Applying the tests or criteria set forth in the above-quoted language, it is clear from the facts in the Acting Director's letter that the work involved here can be accomplished expeditiously and satisfactorily from the Government's standpoint without contact lenses if the employees doing the work have normal vision without eyeglasses, and that such employees reasonably could be required to perform the work involved without contact lenses. Moreover, the contact lenses apparently are to be used by the employee in his regular duties, as distinguished from emergencies or at infrequent intervals, and apparently will be assigned to the employee for his individual use both on and off the job and will not and, of course, cannot be used by other employees. It is our view that under such circumstances contact lenses are equipment such as an employee could reasonably be required to furnish as part of the personal equipment necessary to enable him to perform the regular duties of the position for which his services were engaged, particularly when it is known beforehand (i.e., before the person is employed or engaged for such duties) that the equipment he is to operate cannot be used effectively by a person wearing conventional eyeglasses but only by a person whose vision is normal without glasses or a person who wears contact lenses.

In view, however, of the special facts and circumstances in the instant case and taking into consideration the fact that your Agency has expended a great deal of time and money in training these specialists, we would not object to the use of appropriated funds to purchase the initial set of contact lenses for those highly trained specialists (i.e., the "seasoned employees") who were fully qualified when assigned originally to their specialized duties. The first question presented is answered accordingly.

As to the second question, in view of what we have said above, new employees who are engaged to be trained for the specialized work involved here may not be supplied with contact lenses at Government expense. As indicated above, contact lenses would appear to be equipment that new employees who require vision correctives could reasonably be required to furnish as part of the personal equipment necessary to enable them to qualify for, and perform the regular duties of, the position for which their services were engaged. The second question is answered accordingly.

Also, it is our view that if you desire to provide replacement of contact lenses furnished to your present employees or to supply contact lenses to new employees, specific statutory authority should be obtained. ✓

Sincerely yours,

Joseph Campbell

Since Mr. Corbin was returning from his temporary duty station on a workday, performed no labor or work while so doing, and the travel was not under arduous conditions, he is not entitled to overtime compensation for the travel time extending beyond his regularly scheduled hours of duty on Friday, September 28, 1962.

This case is distinguishable from that of an employee who claims overtime for travel time, after regular working hours, while performing the duty of driving a Government truck, rather than using it solely as a means of transportation to and from a point of duty and under other than arduous conditions. See B-120896, October 7, 1954; B-127979, June 22, 1956; 30 Comp. Gen. 72. Whether under other circumstances there would be actual work performed while traveling or travel performed under arduous conditions for which overtime compensation would be payable would depend on the facts of the case.

The voucher, which is returned, may not be certified for payment.

[B-151243]

Appropriations—Availability—Safety Glasses

Although the cost of prescription ground safety glasses (frames and lenses) which an agency requires employees to wear for their protection may be paid from appropriated funds pursuant to 5 U.S.C. 118g, which authorizes the purchase of special clothing and equipment for the protection of employees, who are engaged in hazardous duties, in the performance of their assigned tasks, the glasses to remain the property of the Government and subject to its control, the cost of eye examinations and prescriptions may not be paid by an agency, unless an employee is unable to furnish a prescription, or that a prescription cannot be made from glasses he normally wears, the necessity for prescription ground safety lenses presupposing employees normally wear or require vision correctives made up from a prescription.

To Ruth H. LaBonte, Department of Health, Education, and Welfare, May 8, 1963:

Your letter of April 4, 1963 (your reference, FIN:), requests our decision whether you may certify for payment two invoices as follows:

(1) Invoice in the amount of \$16.65 in favor of the American Optical Company billing the Northeastern Radiological Health Laboratory, Winchester, Mass. for prescription eye glasses (frames and lenses) for an employee of the Laboratory, Mr. Casper Hegge.

(2) Invoice in the amount of \$10 in favor of Dr. Jerome Roberts, Optometrist, 458 Main Street, Woburn, Mass. covering eye examination and prescription for the purchase of safety glasses for the same employee.

You advise that these invoices were paid by the cashier and included as subvouchers in his replenishment voucher.

The record discloses that the management of the Northeastern Radiological Health Laboratory, Public Health Service, Department of Health, Education, and Welfare, after a thorough review of its safety programs determined that safety glasses were necessary for the safety of employees working with toxic chemicals, abrasives and

radioactive materials have. Hence, it was prescriptions a

The record of glasses used is as follows:

1. Those who have a prescription lens
2. It is not possible for chemists, chemists to do so if they did
3. To require a person to place an uncomfortable constantly slip
4. Although a person individual for who does not provide regular glasses.

Section 13 of 5 U.S.C. 118g,

Sec. 13. Appropriation or equipment shall clothing and equipment their assigned tasks.

In view of the fact that an agency provides safety glasses for the protection of its employees, See 32 Comp. Gen. 100, the provision of safety glasses for wear correctives their own protection in connection with their prescribed glasses, such a case presents a problem for the protection of the assigned task. The amount (\$16.65) for the purchase of ground safety lenses is a course all safety glasses, including the cost of the glasses, are necessary for the safety of employees working with toxic chemicals, abrasives and

radioactive materials. Accordingly, personnel working with these materials have been ordered and required to wear safety glasses. Hence, it was felt that the Public Health Service should pay for the prescriptions as well as the frames and lenses.

The record discloses that the reasons for ordering the type of safety glasses used rather than goggles or other type safety devices are as follows:

1. Those who must wear glasses could not substitute a goggle unless it is to be a prescription lens.
2. It is not practical to wear goggles on a continuous basis as our bench chemists, chemistry technicians and maintenance personnel would be required to do so if they did not have safety glasses.
3. To require a shielding over an individual's glasses for a full shift would place an uncomfortable weight on the bridge of the nose and cause the glass to constantly slip down.
4. Although prescription safety lenses are an item only of use to the individual for whom they are ground, their weight plus that of the frames does not provide a "comfortable" pair of glasses to be used as a substitute for regular glasses.

Section 13 of the act of August 2, 1946, Ch. 744, 60 Stat. 809, 5 U.S.C. 118g, provides that—

Sec. 13. Appropriations available for the procurement of supplies and material or equipment shall be available for the purchase and maintenance of *special clothing and equipment for the protection of personnel in the performance of their assigned tasks.* [Italics supplied.]

In view of the above-cited provisions of law there is no question but that an agency's appropriations may be used to purchase safety glasses for the protection of employees engaged in hazardous duties. See 32 Comp. Gen. 229. Further, it is our view that under this provision of law employees engaged in hazardous duties who normally wear corrective eyeglasses or other vision correctives and who, for their own protection, are required by an agency to wear safety glasses in connection with the performance of such duties may be furnished prescription ground safety glasses at Government expense, since in such a case prescription ground safety glasses would be necessary "for the protection" of such employees "in the performance of their assigned tasks." Accordingly, the cashier may be reimbursed the amount (\$16.65) paid the American Optical Company for prescription ground safety glasses (frames and lenses) for Mr. Hegge. Of course all safety glasses furnished the employees by the Government, including the prescription ground safety glasses, remain the property of the Government and subject to its control.

Concerning the cost of the eye examination and prescription, the necessity for prescription ground safety lenses presupposes that the employee involved normally wears or requires some type of vision correctives made up from a prescription. Therefore, in the absence of a showing that Mr. Hegge was unable to furnish a prescription

from which the prescription ground safety glasses could be made, or that a prescription could not be made from his present glasses, i.e., from the glasses he normally wears, the cashier may not be reimbursed for the amount paid to Dr. Jerome Roberts for the eye examination of Mr. Hegge.

The invoices submitted are returned herewith.

[B-151033]

Mileage—Military Personnel—Public Business Travel Necessity—Personal Convenience Transfer Orders Changed

A Navy member transferred at his request, for his convenience, at no cost to the Government to a ship which is deployed before he is required to report aboard, who when his services are requested by the ship's commanding officer is directed under an endorsement to his permissive orders to travel to join the ship is entitled to a mileage allowance, the travel constituting entitlement to the permanent change of station allowance contemplated by paragraph 4150 of the Joint Travel Regulations under the permissive orders modified for the convenience of the Government, and the member having traveled beyond the place designated in his original orders on public business, the expenses of the travel are the obligation of the Government and he may be paid a mileage allowance and credited for the leave charged for the travel time.

To Lieutenant (jg) D. N. Hull, Department of the Navy, May 9, 1963:

By second indorsement dated February 18, 1963, the Comptroller of the Navy forwarded here your letter of January 4, 1963, requesting an advance decision as to the entitlement of Howard Eugene Moser, 285 02 69, DCCA, USN, to mileage allowance for travel performed from Norfolk, Virginia, to Key West, Florida, incident to his permanent change of station orders of November 5, 1962. The request for decision was assigned Control No. 63-4 by the Per Diem, Travel and Transportation Allowance Committee.

The record shows that on October 9, 1962, the member who was assigned to duty on board the U.S.S. *Sturdy* (MSO-494) requested that he be transferred to any ship or station in the Severn River Naval Command, Potomac River Naval Command or the Norfolk, Virginia, area with the understanding that if the request for transfer was granted he would bear all expenses involved and that there would be no cost to the Government. By orders dated November 5, 1962, he was ordered to report for duty not later than November 16, 1962, to the Commanding Officer, U.S.S. *Oxford* (AG-159), at Norfolk, Virginia, with delay of 10 days en route to count as leave. In the orders it was stated that the transfer was authorized at the member's request for personal convenience and was to be executed at no cost to the Government. The orders also provided that in case the member did not desire to bear the expense of the transfer he should regard the authorization as revoked.

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clause which like the one in the immediate contract provided that "in preparing estimates the material delivered on the site and preparatory work done may be taken into consideration." With regard to the suggestion by the contractor in the earlier case that it might not be able to complete the contract on time if the requested payments were not authorized, it was observed in the decision that it was the legal responsibility of the contractor to complete on time.

In view of the foregoing, we have to conclude on the basis of the present record that your office is unauthorized to make the partial payments which have been requested in this case. However, our decision should not be construed as precluding your office from modifying the contract to provide for partial payments for materials stored "off site" under circumstances where it would be in the interest of the United States to do so, and provided any such modification makes provision for adequate security for any payments made. 20 Comp. Gen. 917; 28 *id.* 468.

[B-157389]

Appropriations—Availability—Glasses

Special prescription filter spectacles for Geological Survey employees working with stereoplotting instruments used in map making which glasses are shown to materially increase work output and vision capabilities of the employees and are of no personal use to the employees outside working hours meet the two criteria for the use of appropriated funds for purchases of personal equipment on the basis that the glasses are necessary to the accomplishment of the purpose for which the appropriation is made and that they are not equipment the employee could reasonably be required to furnish as part of the personal equipment to perform the duties of the position, and, therefore, both the cost of the special clinical eye examinations for the special glasses and the prescription filter glasses may be paid from appropriations for surveys, investigations and research of the Geological Survey.

To the Secretary of the Interior, October 29, 1965:

Reference is made to letter dated August 3, 1965, from Assistant Secretary of the Interior D. Otis Beasley as supplemented by letter of October 1, 1965, from the Director, Geological Survey, requesting our decision as to whether the Department's appropriations may be used to pay for the cost of clinical eye examinations and special prescription filter spectacles for employees of the Geological Survey working with stereoplotting instruments.

It is stated in the Assistant Secretary's letter that in order to operate the precision stereoscopic map plotting instruments in general use by the Geological Survey, the employees operating the instruments must

wear special filter spectacles which have a red lens and a blue lens. Each operator needs two pairs of such filter spectacles because of the necessity in certain phases of stereoscopic plotting to periodically alternate the position of the red and blue filters with respect to the right and left eyes. At the present time, if an employee normally wears conventional spectacles, the filter spectacles are worn over the conventional spectacles.

The Assistant Secretary advises that as a part of a continuing effort to improve the utilization of manpower, the Geological Survey has recently conducted a study of visual factors in the operation of stereoscopic map plotting instruments. The study and its findings are described in a paper titled "The Practical Application of Research on Visual Factors in Stereoplotting" and full documentation of the study is given in research project report No. 14-08-0001-7578 titled "Study of Eye Fatigue in the Use of Stereoscopic Plotters," a copy of which was enclosed with the Assistant Secretary's letter.

It is stated that an important finding of the aforementioned study is that the work output of employees engaged in stereoscopic plotting operations is materially increased when they are provided with color filter spectacles ground to each individual's prescription. Also, the study showed that if these highly trained employees are provided with special prescription filter spectacles, they will, in most cases, retain the required visual skills for performing stereoplotting duties until normal retirement age, rather than requiring transfer and retraining into other work upon losing such visual skills short of retirement. As a result of this extension of tenure, fewer replacements would be needed and training costs would be reduced over the long term. Therefore, the study demonstrated that by providing employees engaged in stereoscopic plotting operations with special prescription filter spectacles their vision capabilities can be improved, and prolonged, thereby achieving better manpower utilization and effecting cost savings in the Geological Survey's map making operations.

The record shows that the special prescription filter spectacles will be for the sole purpose of fulfilling the special requirements of the precision stereoscopic map plotting operations that the employees perform, and will be of no personal use to the employees except during working hours. Stereoscopic map plotting work necessitates the highest degree of continual visual acuity at a close-up viewing distance of eight to twelve inches, a unique requirement that is not in accord with the correction provided by normal glasses prescribed for customary day-to-day uses such as reading and/or distant observation.

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Also, since the refraction for colored glass is different from that of clear glass, and because the filter spectacles must be calibrated for the aforementioned close-up viewing distance, an employee's prescription for ordinary glasses would not be applicable for filter spectacles. Therefore, separate clinical eye examinations would be necessary to obtain an employee's proper prescription in order to make the special prescription-ground filter spectacles.

The general rules with respect to furnishing special clothing or equipment to Government employees are stated in 3 Comp. Gen. 433, in pertinent part, as follows:

In the absence of specific statutory authority for the purchase of personal equipment, particularly wearing apparel or parts thereof, the first question for consideration in connection with a proposed purchase of such equipment is whether the object for which the appropriation involved was made can be accomplished as expeditiously and satisfactorily from the Government's standpoint, without such equipment. If it be determined that use of the equipment is necessary in the accomplishment of the purposes of the appropriation, the next question to be considered is whether the equipment is such as the employee reasonably could be required to furnish as part of the personal equipment necessary to enable him to perform the regular duties of the position to which he was appointed or for which his services were engaged. Unless the answer to both of these questions is in the negative, public funds cannot be used for the purchase. In determining the first of these questions there is for consideration whether the Government or the employee receives the principal benefit resulting from use of the equipment and whether an employee reasonably could be required to perform the service without the equipment. In connection with the second question the points ordinarily involved are whether the equipment is to be used by the employee in connection with his regular duties or only in emergencies or at infrequent intervals and whether such equipment is assigned to an employee for individual use or is intended for and actually to be used by different employees.

Applying the tests or criteria set forth in the above-quoted language, it is apparent that when employees who work with stereoplotting instruments are provided with special prescription filter spectacles their work output materially increases and their vision capabilities are prolonged thereby achieving better manpower utilization and effecting cost savings to the Government. In this regard the Assistant Secretary advises that the Geological Survey is listing an activity titled "Implementation of Visual-Care Program," as an element in its statement of Manpower Utilization and Cost Reduction goals, prepared in accordance with the President's cost-reduction program. Also, it is clear that the special prescription filter spectacles will be of no personal use to the employees except during working hours when they are using Government stereoplotting instruments. It is our view that under such circumstances special prescription filter spectacles are not equipment such as an employee could reasonably be required to

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DECISIONS OF THE COMPTROLLER GENERAL

[45

Comp. Gen.]

furnish as part of the personal equipment necessary to enable him to perform the regular duties of the position for which his services were engaged. Accordingly, it appears that special prescription filter spectacles meet the criteria set forth in the above-quoted language and may be paid for from appropriations for Surveys, Investigations, and Research. Of course, all special prescription filter spectacles furnished employees by the Government remain the property of the Government and subject to its control.

Regarding the cost of separate clinical eye examinations, it is stated that the prescriptions to which these glasses would be ground would not be directly applicable for normal glasses and would not, in any case, need be revealed to the employee. In view thereof, the cost of the separate eye examinations necessary to obtain an employee's proper prescription in order to make the special prescription-ground filter spectacles may also be paid for from the appropriations for Surveys, Investigations, and Research.

[B-157678]

Pay—Active Duty—Date of Reporting to Duty—Reservists—Constructive Enlistment

A discharged member of the Naval Reserve who under orders issued in the belief he was still a member rather than a civilian proceeded from his home to the place he was ordered to report for a physical examination to determine his fitness for active duty, at which place he immediately reenlisted in the service and was transferred to a permanent duty station, is entitled to active duty pay and allowances for travel time to the point of reenlistment, including travel allowances and transportation for dependents, the member having constructively entered upon military duty in a *de jure* status on the day he departed from his home to comply with his orders.

To M. G. Bender, Department of the Navy, October 29, 1965:

There has been received by second endorsement of the Comptroller of the Navy dated September 15, 1965, your letter dated August 5, 1965, and enclosures requesting an advance decision as to the legality for payment of claims for active duty pay and allowances for travel time and for reimbursement of travel expenses and transportation of dependents in the case of Frederick L. Vezain, AMS 3, United States Navy Reserve-R. The request has been assigned Submission No. DO-N-872, by the Military Pay and Allowance Committee, Department of Defense.

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Approved For Release 2002/01/10 : CIA-RDP72-00310R000100450002-6

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Approved For Release 2002/01/10 : CIA-RDP72-00310R000100450002-6

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CENTRAL INTELLIGENCE AGENCY
OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	INITIALS	DATE
1	Mr. [REDACTED] Assistant to the DCI	Jmc	
2	D/DCI	epc	8/12/60
3	DCI	8/11/60 →	
4	General Counsel	gpc	8/15/60
5	Beta		
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ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
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CONCURRENCE	INFORMATION	SIGNATURE

Remarks:

No reply to this letter or further action is indicated. Copies of the opinion have been disseminated to the interested components. We would like to recommend that the letter be brought to the attention of the Director and Deputy Director. Please return the original to Office of General Counsel thereafter for filing.

FOLD HERE TO RETURN TO SENDER

FROM: NAME, ADDRESS AND PHONE NO.	DATE
Office of General Counsel 227 East Bldg.	7.28.60

UNCLASSIFIED	CONFIDENTIAL	SECRET
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FORM NO. 237
1 APR 55Replaces Form 30-4
which may be used.

U. S. GOVERNMENT PRINTING OFFICE : 1955 - O-342521

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CENTRAL INTELLIGENCE AGENCY
 OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	INITIALS	DATE
1	DD/S	<i>[Signature]</i>	7/26/60
2	<i>Sen. Counsel</i> <i>LRH</i> <i>550</i> <i>30</i>		
3	<i>Comptroller</i>		
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Remarks:

For information and necessary action.
 A copy of this letter has been sent to the
 DD/I for information.

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ADDRESS AND PHONE NO.		DATE
Asst. to the DCI		7/22/60
UNCLASSIFIED	CONFIDENTIAL	SECRET

FORM NO. 237
 1 APR 55 Replaces Form 30-4
 which may be used.

U. S. GOVERNMENT PRINTING OFFICE : 1955-O-342531 (40)

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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON 25

B-143437

July 21, 1960

Honorable Allen W. Dulles
Director, Central Intelligence Agency

Dear Mr. Dulles:

A letter dated July 2, 1960, from the Acting Director, Central Intelligence Agency, concerns the use of appropriated funds to furnish contact lenses for certain employees of your Agency.

The Acting Director states that the Central Intelligence Agency employs a number of highly trained specialists who use equipment in their work which requires either normal or corrected-to-normal vision. He further states that many of the specialists require eyeglasses which they have in the past been able to use while operating this special equipment, but that your Agency is replacing this equipment with new machinery of improved design which cannot be used effectively while the operator is wearing conventional eyeglasses.

The Acting Director advises that the Central Intelligence Agency has expended a great deal of time and money in the training of these specialists and does not wish to lose their services or impede their efficiency. He reports that it has been determined by a comprehensive study of the program that those specialists requiring vision correctives could wear contact lenses successfully in operating the new equipment. The Acting Director's letter continues, in part:

"The Agency's continuing replacement of its old equipment with the new, more efficient apparatus, capable of producing a finer quality of work, is creating new conditions which are making these seasoned employees, who were fully qualified when assigned originally to their specialized duties, increasingly unable to fulfill their assignments. To require these employees to purchase contact lenses would place an undue financial burden on them, since contact lenses are very costly in comparison with ordinary eyeglasses. Yet without such lenses these employees will soon become so ineffective as not to be able to continue in their specializations.

"In short, since the operation of this new special equipment has become a necessary part of the duties of these experts which cannot be fulfilled while wearing ordinary eyeglasses, the Agency's mission in this special area can no longer be accomplished expeditiously and satisfactorily without fitting these employees with contact

B-143437

lenses. Therefore, it is felt that the Agency could justifiably purchase the lenses as an expense necessary to the efficient fulfillment of its mission.

The Acting Director is of the view that the special circumstances making contact lenses necessary in this case are unusual and do not describe a situation in which the employee can be expected to provide his own equipment as usual and necessary furnishings to enable him to perform the regular duties of the position for which he was engaged. He cites in connection with the matter 3 Comp. Gen. 433 as reaffirmed in principle by 32 Comp. Gen. 229.

In view of the above facts our decision is requested first, as to whether your Agency can purchase from appropriated funds contact lenses for experts who are assigned to operate this special equipment, and second, whether any new employees trained for the specialized work may also be supplied with contact lenses at Government expense.

As indicated in the Acting Director's letter we reaffirmed, in principle, in 32 Comp. Gen. 229 the following language appearing in 3 Comp. Gen. 433:

"In the absence of specific statutory authority for the purchase of personal equipment, particularly wearing apparel or parts thereof, the first question for consideration in connection with a proposed purchase of such equipment is whether the object for which the appropriation involved was made can be accomplished as expeditiously and satisfactorily from the Government's standpoint, without such equipment. If it be determined that use of the equipment is necessary in the accomplishment of the purposes of the appropriation, the next question to be considered is whether the equipment is such as the employee reasonably could be required to furnish as part of the personal equipment necessary to enable him to perform the regular duties of the position to which he was appointed or for which his services were engaged. Unless the answer to both of these questions is in the negative, public funds cannot be used for the purchase. In determining the first of these questions there is for consideration whether the Government or the employee receives the principal benefit resulting from use of the equipment and whether an employee reasonably could be required to perform the service without the equipment. In connection with the second question the points ordinarily involved are whether the equipment is to be used by the employee in connection with his regular duties or only in emergencies or at infrequent intervals and whether

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such equipment is assigned to an employee for individual use or is intended for and actually to be used by different employees."

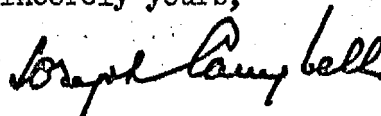
Applying the tests or criteria set forth in the above-quoted language, it is clear from the facts in the Acting Director's letter that the work involved here can be accomplished expeditiously and satisfactorily from the Government's standpoint without contact lenses if the employees doing the work have normal vision without eyeglasses, and that such employees reasonably could be required to perform the work involved without contact lenses. Moreover, the contact lenses apparently are to be used by the employee in his regular duties, as distinguished from emergencies or at infrequent intervals, and apparently will be assigned to the employee for his individual use both on and off the job and will not and, of course, cannot be used by other employees. It is our view that under such circumstances contact lenses are equipment such as an employee could reasonably be required to furnish as part of the personal equipment necessary to enable him to perform the regular duties of the position for which his services were engaged, particularly when it is known beforehand (i.e., before the person is employed or engaged for such duties) that the equipment he is to operate cannot be used effectively by a person wearing conventional eyeglasses but only by a person whose vision is normal without glasses or a person who wears contact lenses.

In view, however, of the special facts and circumstances in the instant case and taking into consideration the fact that your Agency has expended a great deal of time and money in training these specialists, we would not object to the use of appropriated funds to purchase the initial set of contact lenses for those highly trained specialists (i.e., the "seasoned employees") who were fully qualified when assigned originally to their specialized duties. The first question presented is answered accordingly.

As to the second question, in view of what we have said above, new employees who are engaged to be trained for the specialized work involved here may not be supplied with contact lenses at Government expense. As indicated above, contact lenses would appear to be equipment that new employees who require vision correctives could reasonably be required to furnish as part of the personal equipment necessary to enable them to qualify for, and perform the regular duties of, the position for which their services were engaged. The second question is answered accordingly.

Also, it is our view that if you desire to provide replacement of contact lenses furnished to your present employees or to supply contact lenses to new employees, specific statutory authority should be obtained.

Sincerely yours,



Comptroller General
of the United States

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C O P Y

Approved For Release 2002/01/10 : CIA-RDP72-00310R000100450002-6

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60-5140

2 Jul 1960

Honorable Joseph Campbell
The Comptroller General
of the United States
Washington 25, D. C.

Dear Mr. Campbell:

This Agency employs a number of highly trained specialists who use equipment in their work which requires either normal or corrected-to-normal vision. Many of these specialists require eyeglasses which they have in the past been able to wear while operating this special equipment. However, this Agency is replacing the equipment with new machinery of improved design which cannot be used effectively while the operator is wearing conventional eyeglasses.

The Agency has expended a great deal of time and money in the training of these specialists and has the desire neither to lose their services nor to impede their efficiency. It has been determined by a comprehensive study of the problem that those specialists requiring vision correctives could wear contact lenses successfully in operating the new equipment. It is believed proper that the Agency should purchase these lenses from appropriated funds.

The Agency's continuing replacement of its old equipment with the new, more efficient apparatus, capable of producing a finer quality of work, is creating new conditions which are making those seasoned employees, who were fully qualified when assigned originally to their specialized duties, increasingly unable to fulfill their assignments. To require these employees to purchase contact lenses would place an unique financial burden on them, since contact lenses are very costly in comparison with ordinary eyeglasses. Yet without such lenses these employees will soon become so ineffective as not to be able to continue in their specializations.

In short, since the operation of this new special equipment has become a necessary part of the duties of these experts which cannot be fulfilled while wearing ordinary eyeglasses, the Agency's mission in this special area can no longer be accomplished expeditiously and satisfactorily without fitting these employees with contact lenses. Therefore, it is felt that the Agency could justifiably purchase the lenses as an expense necessary to the efficient fulfillment of its mission.

It is my view that the special circumstances making contact lenses necessary in this case are unusual and do not describe a situation in which the employee can be expected to provide his own equipment as usual and necessary furnishings to enable him to perform the regular duties of the position for which he was engaged. Authority on this issue is found in 3 COMP GEN 433 (1524) and reaffirmed, in principle, in 32 COMP GEN 229 (1952):

In the absence of specific authority for the purchase of personal equipment, particularly wearing apparel thereof, the first question for consideration in connection with a proposed purchase of such equipment is whether the object for which the appropriation involved was made can be accomplished as expeditiously and satisfactorily from the Government's standpoint without such equipment. If it be determined that use of the equipment is necessary to the accomplishment of the purposes of the appropriation, the next question to be considered is whether the equipment is such as the employee reasonably could be required to furnish as part of the personal equipment necessary to enable him to perform the regular duties of the position to which he was appointed or for which his services were engaged. Unless the answer to both of these questions is in the negative, public funds cannot be used for the purchase. In determining the first of these questions, there is for consideration whether the Government or the employee receives the principal benefit resulting from use of the equipment, and whether an employee reasonably could be required to perform the service without the equipment. In connection with the second question, the points ordinarily involved are whether the equipment is to be used by the employee in connection with his regular duties or only in emergencies or at infrequent intervals and whether such equipment is assigned to an employee for individual use or is intended for and actually to be used by different employees.

In view of these facts, this Agency requests your opinion, first whether it can purchase from appropriated funds contact lenses for experts who are assigned to operating this special new equipment, and second, whether any new employees trained for this specialized work, may also be supplied with contact lenses at Government expense.

Sincerely,

C. P. Cabell
General, USAF
Acting Director

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DDI 60-2534

Approved For Release 2002/01/10 : CIA-RDP72-00310R000100450002-6

Executive Registry

66-5740/1

29 JUN 1960

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MEMORANDUM FOR: Acting Director of Central Intelligence

SUBJECT: Contact Lenses for PIC Personnel

1. This memorandum contains a recommendation for action in paragraph 9 for the Acting Director of Central Intelligence.
2. Photographic Intelligence Center is utilizing, to an increasing extent, high magnification optical devices which cannot be operated effectively while the viewer is wearing ordinary eyeglasses. PIC has recommended, therefore, after study of the problem, that it be authorized to purchase contact lenses for certain personnel who are required to wear vision correctives to achieve normal vision and who operate these tubular optical devices in their work. The only alternative to contact lenses would entail the modification of all tubular optical systems requiring a very heavy money outlay and a considerable time loss for engineering and actual modifications.
3. At present there are approximately 20 PIC employees who would be fitted with contact lenses if approval is received. Such lenses cost approximately \$175 per pair for fitting and purchase.
4. If approval is received, Medical Staff is of the opinion that it should retain a continuing control over each case in which such lenses are required. Medical Staff would conduct an initial examination to determine, where possible, whether the individual could wear contact lenses successfully. It would then refer employees it believed had excellent chances of successfully adapting to wearing contact lenses to local optometrists and ophthalmologists.
5. No restrictions would be placed on the employee's wearing the lenses while engaged in other than his official duties since such use would hasten his complete adaption to their continuous use.
6. There appeared to be a sufficient legal question for the Office of General Counsel informally to contact the General Accounting Office and seek its advice. Mr. John Moore of GAO stated, after some research, that he believed there was a reasonable chance the Comptroller General would approve the use of appropriated funds for this purpose. He recommended, therefore, that in advance of any purchase a formal opinion be sought from the Comptroller General as to its legality.
7. The attached letter has been prepared for the Acting Director's signature (as required by law) requesting such an opinion. In addressing the letter separately to the issues of those present employees requiring

Approved For Release 2002/01/10 : CIA-RDP72-00310R000100450002-6

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vision correctives and of future employees who might require such, this Office is following Mr. Moore's recommendation, based on the belief that, even if the Comptroller General were to hold in favor of expending appropriated funds for lenses for present employees, it is unlikely he would be able to extend this opinion to include future employees.

8. The problem has been stated in the letter to the Comptroller General in general terms in order to make the correspondence unclassified.

9. It is recommended that the Acting Director of Central Intelligence sign the attached letter to the Comptroller General.

25X1A

[Redacted Signature]

LAWRENCE R. HOUSTON
General Counsel

Attachment

CONCURRENCES:

25X1A

[Redacted Signature]

Photographic Intelligence Center

29 June 1960
Date

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[Redacted Signature]

Comptroller

29 June 1960
Date

25X1A

[Redacted Signature]

Deputy Director (Support)

30 June 60
Date

Distribution:

- Orig & 1 - OGC w/basic
1 - DCI
1 - DDCI
1 - ER
1 - DD/I
2 - DD/S
1 - PIC
1 - Compt
1 - Medical Staff

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TRANSMITTAL SLIP		DATE 18 May 1960
TO: Office of General Counsel Attn: [REDACTED]		
ROOM NO. 221	BUILDING East	
REMARKS: Please review the attached request and advise whether there are legal ramifications involved.		
FROM: <i>C. R. [REDACTED]</i> Special Assistant to the DD/S		
ROOM NO. 126	BUILDING East	EXTENSION [REDACTED]

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FORM NO. 241
1 FEB 55

REPLACES FORM 241
WHICH MAY BE USED

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CENTRAL INTELLIGENCE AGENCY OFFICIAL ROUTING SLIP			
TO	NAME AND ADDRESS	INITIALS	DATE
1	Asst. to DD/I (Admin)	<i>Asst</i>	<i>5/12</i>
2	<i>DD/IS</i> - [REDACTED]		
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<input type="checkbox"/> ACTION	<input type="checkbox"/> DIRECT REPLY	<input type="checkbox"/> PREPARE REPLY
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> DISPATCH	<input type="checkbox"/> RECOMMENDATION
<input type="checkbox"/> COMMENT	<input type="checkbox"/> FILE	<input type="checkbox"/> RETURN
<input type="checkbox"/> CONCURRENCE	<input type="checkbox"/> INFORMATION	<input type="checkbox"/> SIGNATURE

Remarks:
 Von:
 Per our telephone conversation, attached are the finished copies of the Contact Lenses Staff Study.

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FROM: NAME, ADDRESS AND PHONE NO.	DATE
[REDACTED] 605 Stewart	12 May 1960

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FORM NO. 237
1 APR 55

Replaces Form 30-4
which may be used.

U. S. GOVERNMENT PRINTING OFFICE : 1955—O—342531 (40)

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S E C R E T

PIC/D-63-60
11 May 1960

MEMORANDUM FOR: Deputy Director (Support)
THROUGH: Deputy Director (Intelligence)
SUBJECT: Contact Lenses for PIC Personnel

1. PROBLEM:

To increase the efficiency of PIC personnel who wear eyeglasses and are required to use tubular optical devices in their work.

2. FACTS BEARING ON THE PROBLEM:

a. Success in exploiting intelligence from photography is directly related to the ability of Intelligence Officers to see images on the viewing surface.

b. New and improved high magnification devices are being developed and purchased for the Photographic Intelligence Center in order to fully exploit existing photography for intelligence information. These devices utilize to an increasing extent closed optical systems of tubular design, both monocular and binocular.

c. PIC has a large investment in tubular optical devices, and is continuing to develop them as the state of the art advances.

d. These devices pose special viewing problems for Intelligence Officers who are required to wear eyeglasses to achieve normal eyesight.

3. DISCUSSION:

a. As a result of the better image quality derived from photographic collection systems, PIC is utilizing to an increasing extent high magnification devices for full and complete exploitation of existing intelligence imagery. The requisite magnifications (10, 20, 30 or 50 diameters) have brought about a greater reliance on closed optical systems of tubular design. The total cost of such devices now on hand in PIC is of considerable magnitude and includes such items as Bausch & Lomb Microscopes, Wild Stereomicroscopes, Mann Comparator, Nistri Stereocomparator, Bausch & Lomb Film Viewers, and many others.

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b. Investigation demonstrates that each of these devices pose special viewing problems for those Intelligence Officers who are required to wear eyeglasses to achieve normal eyesight. These problems are caused by the design of the various viewing systems and result in a loss of efficiency to personnel who wear glasses. Two examples of the design features which result in efficiency losses are as follows:

- (1) When the viewed image is focused at the plane of the viewing optics, a person wearing glasses can see only a portion of the available image. Such a condition requires a constant manual manipulation of the viewed material to permit complete observation, and creates the risk of failing to recognize significant relationships within an intelligence target area.
- (2) Some instruments utilize rubber eyecups which make it impossible for a person wearing eyeglasses to see an image at the optimum plane of focus. In addition, these devices present images at relatively low light levels, and since a person wearing glasses cannot enclose his eyes within the eyecups, a considerable amount of sidelight impinges on his view tending to drown out low contrast detail.

c. In order to eliminate the loss of efficiency encountered by personnel wearing eyeglasses, two courses of action are available. The first of these would entail the modification of all tubular optical systems to overcome the limiting factors now affecting the visually handicapped. Such a solution would entail a very heavy money outlay and a considerable time loss for engineering and actual modifications. The second solution would entail equipping handicapped personnel with fitted contact lenses. This would be a more economical answer to the problem and would result in no loss of time for equipment modification.


d. Present medical experience seems to indicate that approximately 95% of those persons equipped with contact lenses experience little difficulty in becoming used to them. It should be further noted that contact lenses are equal to conventional eyeglasses in their vision correction ability. Contact lenses cost approximately \$175 per person for fitting and purchase. Because of the high cost involved for an individual employee, it is felt that the Agency should bear the expense for those persons who are required to use these instruments to more efficiently perform their duties.


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4. RECOMMENDATION:

That PIC be authorized to purchase fitted contact lenses for personnel who must wear eyeglasses to achieve normal vision and who are required to use tubular optical devices in their work.

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ARTHUR C. LUNDAHL
Director
Photographic Intelligence Center

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CONCUR: 
Deputy Director (Intelligence)

APPROVED: *
Deputy Director (Support)

**Concurrence is on 29 June memo*

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OGC 61-0137(a)

9 MAR 1961

MEMORANDUM FOR: Chief, TSD/Support

SUBJECT: Prescription Safety Glasses at Government Expense

1. This memorandum is in reply to your request for an opinion on the legality of providing Agency employees with prescription safety glasses at Government expense. Your memorandum and attachments reveal that a small group of TSD personnel require special safety frames and lenses in their work. You propose to provide this personal equipment although you would require any employee who needs corrective lenses to furnish the prescription at his own expense. You have pointed out that goggles worn over corrective glasses have proved unsatisfactory because of their interference with peripheral vision. You have said further that no request for prescription glasses would be approved for employees who only occasionally find themselves in the work area and who do not actually operate the machinery. Goggles would be provided in such cases.

2. The Comptroller General stated in 3 Comp. Gen. 433 (1924) (reaffirmed in 32 Comp. Gen. 229, and again in B-143437, an unpublished decision addressed to the Director of Central Intelligence on 21 July 1960), the following:

"In the absence of specific statutory authority for the purchase of personal equipment, particularly wearing apparel or parts thereof, the first question for consideration in connection with a proposed purchase of such equipment is whether the object for which the appropriation involved was made can be accomplished as expeditiously and satisfactorily from the Government's standpoint, without such equipment. If it be determined that use of the equipment is necessary in the accomplishment of the purposes of the appropriation, the next question to be considered is whether the equipment is such as the employee reasonably could be required to furnish as part of the personal equipment necessary to

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enable him to perform the regular duties of the position to which he was appointed or for which his services were engaged. Unless the answer to both of these questions is in the negative, public funds cannot be used for the purchase. In determining the first of these questions there is for consideration whether the Government or the employee receives the principal benefit resulting from use of the equipment and whether an employee reasonably could be required to perform the service without the equipment. In connection with the second question the points ordinarily involved are whether the equipment is to be used by the employee in connection with his regular duties or only in emergencies or at infrequent intervals and whether such equipment is assigned to an employee for individual use or is intended for and actually to be used by different employees."

3. In view of the above language, it would be our opinion, with which a member of the Office of the General Counsel to the Comptroller General has informally concurred, that public funds may legally be expended for the purpose you have described, provided the standards developed in the ruling quoted above are complied with. In the interests of orderly administration, it would be appropriate for the proper administrative officer to answer the two key questions posed in the ruling, and, therefore, to make the final determination on whether to reimburse your employees for these expenditures.

SIGNED


Office of General Counsel

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Attachments

Background Material

OGC/JBU:cdk (8 Mar 61)

Distribution:

Orig & 1 - Addressee

- 1 - Subj (w cy/basic) *no atts. EYS*
- 1 - Signer
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ROUTING AND RECORD SHEET

SUBJECT: (Optional)

FROM:

NO.

DATE

TO: (Officer designation, room number, and building)

DATE

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

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9 January 1961

MEMORANDUM FOR : General Consul
THROUGH : Chief, Supply Division/OL
SUBJECT : Request for Reconsideration of Policy Discussion
Regarding Reimbursement of Prescription Safety
Goggles.

1. Based on the additional information contained in attachments it is requested that reconsideration be given to policy discussion regarding reimbursement of prescription safety goggles.

2. If verification check of the position of other government activities is desired it is emphasized that no connection can be revealed between this agency and our laboratory facility at Ft. Belvoir.

3. Reimbursement is desired for approved safety frames and approved safety prescription lens. No reimbursement is being requested for eye examinations as it is considered that this should remain a personal expense.

4. From an administrative stand point it should be pointed out that the present policy of not providing reimbursement for safety frames with safety prescription lens is difficult, if not virtually impossible, to administer, since the same type of work is performed by government employees in the same local area on a basis where other government activities provide this type reimbursement.

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Chief, TSD/Support

Attachment:
Envelope

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1 - C/SD/OL

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